

EXHIBIT F

(1)

TRACIE PEAKS

Condensed

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 -----x
4 SHAWN DRUMGOLD,
5 Plaintiff
6 V. Case No. 04-11193NG
7
8 TIMOTHY CALLAHAN, FRANCIS
9 M. ROACHE, PAUL MURPHY,
10 RICHARD WALSH, and THE
11 CITY OF BOSTON,
12 Defendants
13 -----x
14 DEPOSITION OF TRACIE PEAKS, a
15 witness called to testify by and on behalf of
16 the Defendants, pursuant to the applicable
17 rules of the Federal Rules of Civil
18 Procedure, before M. ELAINE GANSKA, a
19 Stenographic Reporter and Notary Public in
20 and for the Commonwealth of Massachusetts, at
21 the offices of Bonner Kiernan Trebach &
22 Crociata, Attorneys at Law, One Liberty
23 square, Boston, Massachusetts, on Friday,
24 April 28, 2006, commencing at 10:17 a.m.
FEDERAL COURT REPORTERS
781-585-6741 978-535-8333

Page 1

1 (Subpoena and summons premarked
2 Deposition Exhibit Number 12 for
3 identification)
4 STIPULATIONS

5 It is hereby stipulated and agreed
6 by and between Counsel for the respective
7 parties and the Deponent that the Deponent
8 shall read and sign the deposition transcript
9 within 30 days of receipt under the pains and
10 penalties of perjury.

11 It is further stipulated that all
12 objections, except as to form, and motions to
13 strike are reserved to the time of trial.

PROCEEDINGS

14 TRACIE PEAKS, a witness called for
15 examination by Counsel for the Defendants,
16 having been satisfactorily identified and
17 duly sworn, was examined and testified as
18 follows:

19 EXAMINATION BY MR. CURRAN
20 Q. Mrs. Peaks-Sandy, my name is Hugh Curran. I
21 represent Detective Richard Walsh.

22 Before we begin today, I'm just
23 going to give you a few instructions, and

1 APPEARANCES
2 ROSEMARY CURRAN SCAPICCHIO, Attorney at Law
3 4 Longfellow Place
4 Boston, Massachusetts 02114
ON BEHALF OF: The Plaintiff
5
6 BONNER KIERNAN TREBACH & CROCIATA
BY: HUGH R. CURRAN, Attorney at Law
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ON BEHALF OF: Defendant Walsh
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BY: WILLIAM M. WHITE, JR., Attorney at Law
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ON BEHALF OF: Defendant Murphy
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10 HOGAN, ROACHE & MALONE
BY: JOHN P. ROACHE, Attorney at Law
66 Long Wharf
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ON BEHALF OF: Defendants Roache and City of
11 Boston
12
13 MORGAN, BROWN & JOY
BY: MARY JO HARRIS, Attorney at Law
200 State Street
Boston, Massachusetts 02109
ON BEHALF OF: Defendant Callahan
14
15 BRUCE W. CARROLL, Attorney at Law
61-63 Chatham Street
Boston, Massachusetts 02109
ON BEHALF OF: The Deponent

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1 that's for the benefit of everybody that's
2 here today including yourself. If at any
3 time you need to take a break for any reason,
4 whether it's to speak to your attorney, to
5 use the facilities, to get up and stretch,
6 just indicate to me that you'd like to take a
7 break, and we'll take a break at the
8 appropriate time. If at any time you do not
9 understand a question that I ask you, just
10 indicate that you don't understand the
11 question, and I'll try to rephrase it in a
12 manner to the best of my ability so you'll
13 understand what we're looking for. It's
14 presumed that if you answer a question that
15 you understood the question and that you're
16 answering it truthfully and accurately to the
17 best of your ability. Do you understand
18 that?

19 A. Mm-hmm.

20 Q. Okay. There's a few rules that we're going
21 to have this morning. It's very important
22 that you give a verbal response because if
23 you nod your head or shrug your shoulders,
24 the court reporter can't take everything

1 I N D E X
2 Deposition of
3 TRACIE PEAKS
4 Examination by Mr. Curran
5
6
7
8
9 No. E X H I B I T S Page
10 12 subpoena and Summons 4
11 13 Map of Homestead and Humboldt 98
12 14 Diagram Drawn, Signed, and
13 Dated by Deponent 142
14 15-16 Witness Certifications 165
15 17 Affidavit 205

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1 down, all right? It's also important that
2 you wait for me to finish asking my question,
3 and in return I'll wait for you to finish
4 giving your answer to the question. If we
5 speak both at the same time, the court
6 reporter is going to yell at us because
7 she'll have problems keeping a transcript of
8 what is taking place this morning.

9 Do you have any questions before
10 we begin?

11 A. No.
12 Q. Okay. Would you please state your full name
13 for the record?
14 A. Tracie Peaks-Sandy.
15 Q. Is that hyphenated?
16 A. Yes.
17 Q. Okay. What is your date of birth?
18 A. 3/10/72.
19 Q. Okay. Now, Ms. Peaks, I'm going to show you
20 what's been marked as Exhibit 12, and that's
21 the original subpoena and summons that was
22 sent to you in this matter, in this package
23 (handing document). Take an opportunity to
24 take a look at it.

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TRACIE PEAKS

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1 I don't want to know the substance of that. 2 Have you reviewed any documents? 3 A. I mean he sent me the transcripts, but I 4 really didn't want to read them. 5 Q. Okay. When you say "transcripts," the 6 transcripts that were provided to your 7 attorney by my office which is your grand 8 jury testimony, your trial testimony and your 9 motion for new trial testimony and your 10 affidavit that was signed? 11 A. Yes, I suppose all of that was in the 12 package. 13 Q. Okay. Did you review any of that? 14 A. Very lightly. I think the first page. I 15 don't even know which document it was. 16 Q. Okay. Did you speak with anybody about your 17 deposition testimony? 18 A. No. 19 Q. Okay. Did you speak to your mother? 20 A. No. 21 Q. Did you review your mother's deposition 22 testimony? 23 A. No. 24 Q. Okay. Did you speak with Ms. Scapicchio or	1 deposition here, correct? 2 A. Mm-hmm. 3 Q. All right. And you waited for her for a 4 period of time, and then you went home? 5 A. I went downstairs. 6 Q. Okay. And you waited for her? 7 A. (Nods head) 8 Q. And when she finished here, you had a 9 conversation of what took place? 10 A. Not really, because I mean the first thing 11 out of her mouth was I claimed bankruptcy. 12 Q. Okay. Did you speak to her at any time about 13 what her deposition testimony was? 14 A. No. 15 Q. Okay. So that was the whole substance of 16 your conversation relative to these 17 proceedings? 18 A. Yes. 19 Q. Okay. Have you spoken to anyone else? 20 A. No. 21 Q. Okay. After you graduated from high school, 22 where did you work that summer before you 23 went to Northeastern? 24 A. I don't remember. I don't remember.	Page 71
1 her associate, Michael Reilly, or anyone in 2 their offices? 3 A. No, not about today. 4 Q. Okay. Now when you -- after you received. 5 your — the notice to appear for a deposition 6 back in February, did you contact anyone? 7 A. I contacted Rosemary a little while after. I 8 don't remember exactly when I contacted her, 9 though. 10 Q. And what was the substance of your 11 conversation with Rosemary Scapicchio at that 12 time? 13 A. I just asked her, "Why am I getting called 14 again?" Why — you know, "Why do I have to 15 go through this again?" And she just said -- 16 I forgot exactly. I think he's suing the 17 state or something like that, and you guys 18 are just going through the motions again or 19 something like that. 20 Q. Okay. All I need to know is what your memory 21 is today of the substance of that whole 22 conversation, if you can give it to me to the 23 best of your ability. 24 A. Yeah. It was, why again, and I think he's	1 Q. Okay. Why don't you tell me what your work 2 history has been like since then, 1990, when 3 you went to Northeastern. 4 A. 1991 I believe I worked for the bank. 5 Q. Which bank? 6 A. At that time it was called Boston Five, I 7 think. 8 And after the bank — 9 Q. For how long did you work at the bank? 10 A. I think it was a year. 11 Q. And what was your responsibilities at the 12 bank? 13 A. A teller. 14 Q. All right. And which bank was that? 15 A. It was I think the Boston Five in Mattapan 16 Square. 17 Q. Okay. It wasn't Citizens? 18 A. No. 19 Q. Okay. And who did you report to? Do you 20 recall your supervisor or boss? 21 A. Norma. 22 Q. Norma what? 23 A. I forgot her last name. 24 Q. Was she the branch manager?	Page 72
1 suing the state, and can I get a lawyer or do 2 I need a lawyer, and that was my choice 3 whether or not to get a lawyer. So I found 4 my lawyer. 5 Q. Okay. Did you discuss your previous 6 testimony at all? 7 A. No. 8 Q. Okay. Did you discuss the substance of any 9 of your previous testimony? 10 A. No. 11 Q. Okay. Did you discuss your affidavit? 12 A. No. 13 Q. Have you ever at any point after you 14 testified in the motion for new trial 15 discussed your affidavit with Shawn Drumgold 16 or any of his attorneys? 17 A. No. 18 Q. Did you speak to your mother about her 19 deposition testimony? 20 A. I didn't question her about it. She just 21 told me, "Oh, Trai, you claimed bankruptcy?" 22 She told me how you guys told her that I 23 claimed bankruptcy. 24 Q. Okay. You came for your mother- at her	1 A. Yes. 2 Q. Okay. Is it still the Boston Five? 3 A. No. 4 Q. What is it now, do you know? 5 A. I think -- I think Citizens. It was sold 6 like a couple of times, but I think 7 Citizens — 8 Q. Why did you leave your employment with Boston 9 Five? 10 A. Because I got robbed. 11 Q. Okay. And that was while you were a teller? 12 A. Mm-hmm. 13 Q. All right. And then because of that 14 experience you decided to quit? 15 A. Yep. 16 Q. All right. You weren't terminated? 17 A. No. 18 Q. Okay. And then where did you go next to 19 "work"? 20 A. I think I went to the post office. 21 Q. Okay. And in what capacity did you work at 22 the post office? 23 A. I did the Ellison (phonetic) machine, clerk. 24 Q. For how long did you work for the United	Page 72

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1	A. I didn't think about it then.	1	Channel 5 News.
2	Q. Okay. Well you went to the -- you had a pretty shallow feeling when you left seeing her on the sidewalk that evening on Humboldt, correct?	2	Q. Okay.
3		3	A. I don't know her name.
4		4	Q. All right Did she call and talk to the DA about this?
5		5	6. A. I don't know. I know she was very upset.
6	A. Really, to be honest, you know, I was just glad it wasn't my sister.	7	7. Q. All right. After the -- so the investigator stayed for a half-hour?
7		8	8. A. About that.
8	Q. Okay.	9	9. Q. Okay. Anyone come in during the course of your interview with the investigator?
9	A. I'm sorry I felt -- I didn't feel, you know, but I was just glad it wasn't my sister.	10	10. A. No.
10		11	11. Q. All right. And after he left, did you speak to anyone about the conversations with the investigator?
11	Q. So the first time you felt that in regards to no one's ever going to find the killer of this poor little girl was in 2003 when the investigator appeared at your house?	12	12. A. No.
12		13	13. Q. All right. And after he left, did you speak to anyone about the conversations with the investigator?
13		14	14. A. No.
14		15	15. Q. Did you tell your mother that you had spoken to him?
15	MS. SCAPICCHIO: Objection.	16	16. A. No.
16	A. No, I mean it's always been on my mind, you know? I know what they did to me, made me get on that stand, and in the streets you hear that the police knew it wasn't Shawn and stuff like that and --	17	17. Q. Did you tell Mr. Fenderson?
17		18	18. A. No, he told her.
18	Q. Okay. Well, what did you hear on the streets?	19	19. Q. Okay. Did you ever talk to Ramona Brantley's parents about your involvement?
19		20	20. A. No.
20	A. Just hear people talking, just hearing them saying that all the police know that it	21	21. Q. Okay. Did you ever talk to Ramona Brantley's parents about your involvement?
22		22	22. A. No.
23		23	23. Q. Okay. Did you ever talk to Ramona Brantley's parents about your involvement?
24		24	24. A. No.
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1	wasn't Shawn. I think it was even in the paper one time, that they knew it wasn't him, and I just always said, "Well, what about that little girl?" You never -- you hear them say that he didn't do it, but you never hear them say, well, we going to try to find out what happened to the little girl, who really did it.	1	Q. Okay. In 1988, '89 you were still going over there regularly, correct?
2		2	2. A. Yep.
3	Q. Okay. Who did you -- did you hear people on the street talk about the murder and who was involved in your neighborhood?	3	3. Q. And they saw your name in the paper and on TV?
4		4	4. A. Probably. They never mentioned it.
5	A. Not really. I mean you hear people in passing.	5	5. Q. Okay. So they never talked to you about it?
6		6	6. A. No.
7	Q. All right.	7	7. Q. All right. Do you recall the next time the investigator contacted you?
8		8	8. A. No.
9	A. I didn't stand on any corner with anybody and talk about it.	9	9. Q. Okay. So they never talked to you about it?
10		10	10. A. No. I don't know if he did. I don't know.
11	Q. Okay. These people that you heard talking about the — that Shawn didn't do it, they knew that you were a witness in the case?	11	11. Q. Okay. So they never talked to you about it?
12		12	12. A. No, I don't.
13	A. Nope.	13	13. Q. Okay. Well you had to sign an affidavit, correct?
14		14	14. A. Yeah.
15	Q. So no one in the neighborhood ever knew that you testified?	15	15. Q. Was the affidavit sent to you in the mail?
16		16	16. A. No. No, he did come by.
17	A. If they knew, they didn't let me know.	17	17. Q. All right. And how long did he stay the second time he came by?
18		18	18. A. That was a quick second, just for me to sign it.
19	Q. Okay. Your name was in the paper, correct?	19	19. Q. Okay. And the extent of his involvement with you on that day was just here's the affidavit, sign it?
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1	A. Yes.	1	1. A. Yes.
2	Q. Back in 1988, '89?	2	2. Q. Didn't talk to you about any other further information that you may have?
3	*	3	3. A. No. I think that we even did it outside, sign it and he left.
4	Q. All right. And you were on TV -	4	4. Q. And did you read it before you signed it?
5	A. My name.	5	5. A. I glanced over it.
6	Q. -- back in '88 and '89?	6	6. Q. Okay. When you say you glanced over it, did you read every --
7	A. My name, not my face.	7	7. A. Not every word for word.
8	Q. Okay. And every night there was reports, correct?	8	8. Q. Okay. You glanced over it and you signed it?
9		9	9. A. (Nods head)
10	A. Yes.	10	10. Q. Did he leave you a copy?
11	Q. Your mother was watching TVs and reading the paper, correct?	11	11. A. I'm not sure. I'm not sure if I have a copy. I'm not sure.
12		12	12. Q. Okay. And did he ever return to speak to you?
13	A. Yes, she was.	13	13. A. No.
14	Q. And she would tell you when your name or -- appeared in the paper and on TV?	14	14. Q. Were you advised that this was an investigator that was retained by Rosemary Scapicchio in defending Shawn Drumgold?
15		15	15. A. I don't think he mentioned Rosemary's name,
16	A. She didn't tell me. I'd just hear her. She said she called them and told them I was a minor and don't be publishing my name and my face in the paper, and they still -- they said they wouldn't do my face, but they published my name.	16	
17		17	
18		18	
19		19	
20		20	
21		21	
22	Q. Who did she call?	22	
23	A. I don't remember specifically who she talked to. I know she was mad at the black woman on	23	
24		24	

1 but he said he was working for Shawn
2 Drumgold.
3 Q. Okay. And do you recall, did you ever speak
4 to Rosemary before you signed the affidavit?
5 A. I don't know if I knew her name during that
6 time.
7 Q. Okay. The question is, did you ever speak
8 with her over the phone or in person prior to
9 you signing the affidavit on May 28th, 2003?
10 A. I don't believe so.
11 Q. Okay. At any time prior to today, have you
12 met Rosemary in person outside of the
13 courtroom?
14 A. Yeah - no, not outside the courtroom.
15 Q. Okay. Had you ever spoken to her outside the
16 courtroom?
17 A. Yes.
18 Q. Okay. Why don't you tell me the first time
19 you spoke to her.
20 A. I think it was this year I called her before
21 this to find out, you know, what's going on.
22 Q. Okay. That's when you called her that you
23 got a subpoena and why did I get this?
24 A. Mm-hmm.

1 Q. As a result of the summons, did you call
2 anyone to discuss what this was all about?
3 A. No.
4 Q. Okay. So you just showed up at the date and
5 time that the summons indicated?
6 A. Yes.
7 Q. And who did you go to the courthouse with on
8 that day?
9 A. My mother.
10 Q. Anyone else?
11 A. No.
12 Q. When you went to the courthouse, do you
13 recall where you went?
14 A. I believe we went to the cafeteria.
15 Q. All right. And were you waiting for someone
16 in the cafeteria?
17 A. No, we were just waiting to be called.
18 Q. Okay. So you went to the courthouse and went
19 directly to the cafeteria, didn't check in
20 with anybody?
21 A. I don't remember. I know we were sitting in
22 the cafeteria forever. I'm pretty sure we
23 had to check in.
24 Q. Did you see the investigator that you had

1 Q. That you already testified earlier today
2 about?
3 A. Yes.
4 Q. Okay. Before you testified at the motion for
5 new trial where you went to court now the
6 third time, the first time the grand jury,
7 the second time the trial of Shawn Drumgold,
8 and then the third time being the motion for
9 new trial --
10 A. (Nods head)
11 Q. - had you ever spoken to Rosemary Scapicchio
12 over the phone or in person before you
13 testified?
14 A. No, I don't recall, so.
15 Q. Okay. No, you didn't, or, no, you don't
16 recall?
17 A. I don't recall.
18 Q. All right. Do you remember any conversations
19 with Rosemary outside the courtroom at any
20 time other than the phone call you just spoke
21 about?
22 A. No.
23 Q. All right. So when you showed up at the
24 motion for new trial, you had not talked to

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1 previously spoken to on that day?
2 A. I don't -- if I did, I don't remember what he
3 looks like.
4 Q. Okay.
5 A. I know he sat in my house and everything, but
6 I couldn't identify --
7 Q. Did anyone else come to your house to speak
8 to you?
9 A. No.
10 Q. Between signing the affidavit and your
11 testimony at the motion for new trial?
12 A. No.
13 Q. Did anyone from the Suffolk County District
14 Attorney's Office contact you?
15 A. I believe they did. They did.
16 Q. Okay. Do you recall who?
17 A. I don't know their names.
18 Q. Well did they come to see you in person, or
19 over the phone did they call you?
20 A. I know they came to the house.
21 Q. Okay.
22 A. A black guy and a white guy, and when I came
23 out the door, I told them, "Don't get
24 comfortable. I'm not talking to anyone."

1 her, and she had not prepared you as a
2 witness?
3 A. No.
4 Q. Had the investigator come back after you
5 signed the affidavit and discussed your
6 testimony?
7 A. The investigator discussed my testimony --
8 Q. Yes.
9 A. - when?
10 Q. After you signed the affidavit and before you
11 testified at the motion for new trial, did
12 anyone on behalf of Shawn Drumgold approach
13 you?
14 A. No.
15 Q. Okay. How did you know when to go to court
16 to testify at the motion for new trial?
17 A. There was a summons.
18 Q. Okay. Were you handed the summons, or was it
19 in the mail?
20 A. I believe it was in the mail. I don't
21 remember signing for anything.
22 Q. Okay. Did the summons have a name and a
23 phone number on it?
24 A. I don't remember.

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1 I'll be in court."
2 Q. Okay. So you didn't speak to them?
3 A. No.
4 Q. About your involvement?
5 A. No.
6 Q. At all?
7 A. No.
8 Q. Okay. Did you ask them to leave?
9 A. Yes.
10 Q. And did they leave?
11 A. Yes.
12 Q. Okay. Were they polite?
13 A. Yes.
14 Q. Okay. They give you a bad time?
15 A. No.
16 Q. Okay. And that's when they left, and you
17 went to court subsequent to that date?
18 A. Yes.
19 Q. All right. And you didn't speak to anyone
20 beforehand?
21 A. No.
22 Q. And then you testified at the motion for new
23 trial?
24 A. Yes.

1 A. Yes.
 2 Q. Who attempted to speak with you?
 3 A. Two men, two police officers.
 4 Q. And were they the same police officers who
 5 you saw the first time or who showed you the
 6 photographs?
 7 A. No.
 8 Q. Okay. Could you describe the two police
 9 officers for me?
 10 A. One black, one Caucasian.
 11 Q. Okay. And where were you when they attempted
 12 to speak with you?
 13 MS. SCAPICCHIO: objection, asked
 14 and answered.
 15 A. 72 Homestead Street — I mean, excuse me, 67
 16 Woolson Street in my room.
 17 Q. Okay. So there was a black police officer
 18 and a white police officer?
 19 A. Mm-hmm.
 20 Q. Is that a yes?
 21 A. Yes.
 22 Q. Okay. Did they threaten you?
 23 A. No.
 24 Q. Did they intimidate you?

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1 Q. How'd you find that out?
 2 A. In the lunchroom talking and things like
 3 that.
 4 Q. Did Ms. Scapicchio tell you anything about
 5 Mary Alexander?
 6 A. No.
 7 MS. SCAPICCHIO: objection.
 8 Q. Did Ms. Scapicchio tell you that Mary
 9 Alexander was suffering from brain cancer at
 10 the time that she -- at the time of the trial
 11 of Shawn Drumgold?
 12 MS. SCAPICCHIO: objection.
 13 A. No.
 14 Q. Were you aware that --
 15 MR. ROACHE: Well strike that.
 16 Q. When was the next time you spoke with
 17 Ms. Scapicchio?
 18 MS. SCAPICCHIO: objection, asked
 19 and answered.
 20 A. I think before I had to come here, like the
 21 first contact that I had to come here.
 22 Q. All right. So you received a subpoena to
 23 appear at a deposition?
 24 A. Yeah, a notice, subpoena, yeah.

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1 A. No.
 2 Q. What did they say to you?
 3 A. I didn't give them a chance to say anything.
 4 I told them, "Don't even sit down. You-all
 5 got to go."
 6 Q. Okay. So you refused to speak with them?
 7 A. Yes.
 8 Q. And they didn't threaten you with arrest?
 9 A. No.
 10 Q. How many times have you spoken to Attorney
 11 Rosemary Scapicchio?
 12 MS. SCAPICCHIO: Objection, asked
 13 and answered.
 14 A. Maybe once or twice.
 15 Q. When was the first time that you spoke with
 16 her?
 17 MS. SCAPICCHIO: objection, asked
 18 and answered.
 19 A. I think when that -- around that private eye
 20 time, I think. I'm not sure, but I know that
 21 it was brief, whatever contact I had with
 22 her.
 23 Q. Did you contact her, or did she contact you?
 24 A. I believe I'm always the one that would call

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1 Q. Okay. And why did you contact Rosemary
 2 Scapicchio?
 3 MS. SCAPICCHIO: Objection.
 4 A. Because I wanted to know what it was about,
 5 what should I do, do I have to go.
 6 Q. Did you contact anyone else other than
 7 Ms. Scapicchio?
 8 A. No.
 9 Q. Why didn't you contact the name of the
 10 attorney whose name appeared on the subpoena?
 11 A. I don't know.
 12 Q. How did you know to locate Ms. Scapicchio?
 13 A. Because she's affiliated with the case.
 14 She's on Shawn Drumgold's side, so who else
 15 am I going to talk to?
 16 Q. Okay. How did you know how to contact her?
 17 A. I believe that private eye left a card or
 18 something, something with her name or
 19 something, that he was representing her, so
 20 that's how I found out about her.
 21 Q. Did you speak with Ms. Scapicchio at the
 22 courthouse before you testified at the motion
 23 for new trial?
 24 MS. SCAPICCHIO: objection, asked

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1 her office.
 2 Q. How did you have her phone number?
 3 A. I'm not sure if he left the card or I found
 4 her on my own.
 5 Q. In any event, you called Rosemary Scapicchio?
 6 A. Yes.
 7 Q. And this is at or around the time you were
 8 meeting with the investigator?
 9 A. Somewhere around there.
 10 Q. Okay. And what conversation did you have
 11 with her?
 12 MS. SCAPICCHIO: Objection, asked
 13 and answered.
 14 A. It was -- it was brief. I don't remember the
 15 conversation, but it wasn't nothing like, you
 16 know, drawn out or anything like that,
 17 Q. Did Ms. Scapicchio tell you that other
 18 witnesses had been threatened?
 19 MS. SCAPICCHIO: Objection.
 20 A. No. You know, I don't even think no one
 21 else -- I think we were going to court for
 22 this new trial; that's when I found out about
 23 other witnesses, what happened to them, like
 24 being intimidated and stuff.

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1 and answered.
 2 A. I don't believe so.
 3 Q. At the time of the trial of Shawn Drumgold
 4 and Terrance Taylor, were you aware that Mary
 5 Alexander testified?
 6 A. After the fact.
 7 Q. Did you and Mary Alexander have any
 8 conversation before the trial about her
 9 testifying?
 10 A. No.
 11 Q. So when Mary Alexander testified, you had no
 12 conversation with her before her testimony?
 13 A. No.
 14 MS. SCAPICCHIO: Objection.
 15 BY MR. ROACHE:
 16 Q. How did you learn that Mary Alexander
 17 testified at trial?
 18 MS. SCAPICCHIO: objection, asked
 19 and answered.
 20 A. Talk in the house. Like you hear her mother,
 21 and you just hear her talking about it.
 22 Q. And did you talk to her about it?
 23 A. No.
 24 Q. But you overheard her talking to her mother?

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EXHIBIT F

(2)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSSHAWN DRUMGOLD,
Plaintiff

V. Case No. 04-11193NG

TIMOTHY CALLAHAN, FRANCIS
M. ROACHE, PAUL MURPHY,
RICHARD WALSH and THE
CITY OF BOSTON.
Defendants

DEPOSITION OF GEMINI HULLUM, a witness called to testify by and on behalf of the Defendants, pursuant to the applicable rules of the Federal Rules of Civil Procedure, before M. ELAINE GANSKA, a Stenographic Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Bonner Kiernan Trebach & Crociata, Attorneys at Law, One Liberty Square, Boston, Massachusetts, on Monday, February 20, 2006, commencing at 11:15 a.m.

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STIPULATIONS

It is hereby stipulated and agreed by and between Counsel for the respective parties and the Deponent that the Deponent shall read and sign the deposition transcript within 30 days of receipt before any Notary Public.

It is further stipulated that all objections, except as to form, and motions to strike are reserved to the time of trial.

PROCEEDINGS

MR. CURRAN: Ms. Hullum, my name is Hugh Curran. I'm an attorney at Bonner Kiernan Trebach & Crociata. I represent Richard Walsh in a matter, Shawn Drumgold vs. Richard Walsh, Timothy Callahan, Francis Roache, and the City of Boston. You're a witness in this matter, and you've been subpoenaed to testify today, and that's why you are here to testify.

MS. HULLUM: Well I plead the fifth, so that's what I'm here to let you know.

MR. CURRAN: Have you had an

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APPEARANCES

TOMMASINO & TOMMASINO
BY: MICHAEL W. REILLY, Attorney at Law
Two Center Plaza
Boston, Massachusetts 02108-1904

ON BEHALF OF: The Plaintiff

BONNER KIERNAN TREBACH & CROCIATA
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ON BEHALF OF: Defendant Walsh

HOGAN, ROACHE & MALONE
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Boston, Massachusetts 02110
ON BEHALF OF: Defendants City of Boston
and RoacheMORGAN, BROWN & JOY
BY: MARY JO HARRIS, Attorney at Law
200 State Street
Boston, Massachusetts 02109-2605
ON BEHALF OF: Defendant Callahan

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opportunity to obtain counsel?

MS. HULLUM: No, I haven't.

MR. CURRAN: And would you like that opportunity to obtain counsel?

MS. HULLUM: why would I need to obtain counsel? I'm not on trial for anything.

MR. CURRAN: okay. Then that's the reason why you just can't say you plead the fifth.

MS. HULLUM: why not? I've already went to court. I've already testified. This is a civil matter. It has nothing to do with me. I'm not suing anybody, so why would I not be able to plead the fifth?

MR. CURRAN: I'm not your attorney. You can decide to do what you would like to do, but we are representing the parties in this case. Mr. Reilly represents Shawn Drumgold, and the other attorneys here represent individual parties to this litigation. As a result of Mr. Drumgold filing a civil action, the parties are

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entitled to discovery. Discovery includes deposing witnesses. You were a witness in this case, and we intend to go forward this morning and ask you questions relative to your knowledge about this matter. If you choose not to answer questions, then we will be forced to file a motion to compel and seek an order of the Court in the Federal Court.

Are you prepared to go forward today?

MS. HULLUM: You're Shawn's lawyer?

MR. REILLY: I am.

MS. HULLUM: Where's Rosemary?

MR. REILLY: She's home with her sick baby right now.

THE WITNESS: oh, she has the opportunity to be home with her baby, huh?

MR. REILLY: If you ask me a question, I'll tell you the answer.

MS. HULLUM: So what's-her-name - why am I testifying here today if I've already testified?

MR. REILLY: Because you testified

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 04-11193NG

SHAWN DRUMGOLD,
Plaintiff

vs.

TIMOTHY CALLAHAN, FRANCIS M.
ROACHE, PAUL MURPHY, RICHARD WALSH,
AND THE CITY OF BOSTON,
Defendants

CONTINUED DEPOSITION OF GEMINI HULLUM, a
witness called by counsel for the Defendant,
Richard Walsh, taken pursuant to the applicable
provisions of the Federal Rules of Civil
Procedure, before Joann Denning, a Shorthand
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the offices
of Bonner Kiernan Trebach & Crociata, One
Liberty Square, Boston, Massachusetts, on
Thursday, May 11, 2006, commencing at 4 p.m.

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1 A. I don't know.
 2 Q. Was it in the year 2003 or was it before that?
 3 A. It's possible it could have been the same year.
 4 I really don't know.
 5 Q. Since your last deposition on February 20th,
 6 have you reviewed your deposition transcript?
 7 A. Yes, I have. I just told you that.
 8 Q. You said it contains many mistakes?
 9 A. Yes, it does.
 10 Q. What type of mistakes does it contain?
 11 A. One, you wrote that I said Romaro Holiday hung
 12 on Castlegate. I did not say that. Then in
 13 the statement after that it says that I said he
 14 traveled through there to get home. So how
 15 would I say he hung on there, but then he's
 16 traveling through to get home?
 17 Q. Did you make out or fill out an errata sheet?
 18 A. No, I didn't. It's in here, too. I don't have
 19 time to fill that out. I barely had time to go
 20 over it. I have three children and I work and
 21 I have a full life with a lot of
 22 responsibilities besides this.
 23 Q. Ms. Hullum, did you speak with anyone from the
 24 day of your first deposition to today
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1 concerning the contents of your deposition,
 2 what you testified to?
 3 A. No.
 4 Q. Have you spoken to anyone since February 20th,
 5 2006, about Shawn Drumgold?
 6 A. No. Rosemary, that's it.
 7 Q. By Rosemary, are you referring to Rosemary
 8 Scapicchio?
 9 A. Yes. I call her Rosemary because I don't know
 10 how to pronounce her name.
 11 Q. When did you speak with Ms. Scapicchio?
 12 A. Shortly after being here because I was supposed
 13 to be here prior to this, but I was running
 14 late and I said I would be here, but they said
 15 reschedule because of the other attorneys'
 16 scheduling. I called her to ask her why do I
 17 have to come back down here. You all keep
 18 repeating the same questions over and over to
 19 me. I don't want to be bothered. I can come
 20 to the trial. I don't need to go through this.
 21 Q. Well, why did you call Ms. Scapicchio?
 22 A. Because she's Shawn's lawyer and I wanted to
 23 know why am I being called down here. That's
 24 what I wanted to know, from her, not from you.
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1 Q. Ms. Scapicchio was not present at your
 2 deposition, was she?
 3 A. So what?
 4 Q. Mr. Reilly is representing Shawn Drumgold.
 5 A. I don't have his number.
 6 Q. How did you have Ms. Scapicchio's number?
 7 A. I don't know. I don't remember, but I have it.
 8 Oh, you gave me your card when I left here or
 9 something like that because I don't have her
 10 number just, like, in my phone book or
 11 anything. I don't contact her.
 12 Q. So Mr. Reilly gave you —
 13 A. I think you gave me your card, right, because I
 14 told you I wanted to speak to Rosemary.
 15 MR. REILLY: They don't let me testify.
 16 Q. He can't testify.
 17 A. Whatever, testify. When I spoke with him out
 18 by the elevator, I was very upset as I relayed
 19 to him for being here, you asking me the same
 20 questions, whatever you're trying to trap me up
 21 or whatever. It's very aggravating. Like I
 22 just said, I have a full life and my hands are
 23 full with my children by myself.
 24 So I told him I wanted to speak to
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1 Rosemary to find out why am I going to keep
 2 coming back here because you request that I
 3 come back here with some letters from 2001 or
 4 2002, whenever it was written.
 5 Q. So you had conversation with Mr. Reilly, and he
 6 gave you a business card?
 7 A. I do believe so, or either he gave me
 8 Rosemary's number.
 9 Q. He gave you Rosemary's number?
 10 A. Either one, I just said.
 11 Q. Do you have a card?
 12 A. I don't remember.
 13 Q. Apart from Ms. Scapicchio, have you spoken to
 14 anyone else since February 20th of this year
 15 concerning Shawn Drumgold?
 16 A. I just told my sister that I have to come down
 17 here because of all this and this and that,
 18 but, no, not in detail. Like, she doesn't know
 19 anything about the case other than the media.
 20 Q. Which sister did you speak with?
 21 A. My sister Adrienne.
 22 Q. Do you still currently reside in Canton —
 23 Canton Street?
 24 A. Yeah.
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1 Q. In Randolph?
 2 A. Yes.
 3 Q. Who owns that dwelling?
 4 A. Her name is Janet Lynch. Why?
 5 Q. You testified at the first deposition that you
 6 were planning on moving from there.
 7 A. I have to move. And what's your point? Why
 8 are you asking me my landlord's name? Just
 9 like in these transcripts, all these questions
 10 about my mother and this and that has nothing
 11 to do with this case.
 12 Q. Why do you have to move from Randolph?
 13 A. Because she wants her place back. That's why.
 14 Q. Is it a single family home?
 15 A. No, it's not. It's a duplex, two-sided.
 16 Q. Does Ms. Lynch live there?
 17 A. No, she doesn't. I'm living in where she
 18 lived.
 19 Q. When do you plan on moving from there?
 20 A. When I find a place.
 21 Q. Are you currently looking for a place?
 22 A. I sure am.
 23 Q. Where are you looking?
 24 A. Anywhere I want. That's none of your business.
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1 Q. It has nothing to do with this case. It's none
 2 of your business.
 3 Q. It does, ma'am, because we may have to --
 4 A. You can write that down, none of his business.
 5 Q. Well, I beg to differ because you may be called
 6 as a witness, and we have to have the ability
 7 to locate you.
 8 A. That has nothing to do with where I live, who
 9 my landlord is and, etc., nothing.
 10 Q. You testified at the first deposition hearing
 11 that you came in contact with Shawn Drumgold
 12 through Arlis Evans, is that correct?
 13 A. Yeah, it is correct.
 14 Q. What was your relationship or what is your
 15 relationship with Arlis Evans?
 16 A. He has a child with Holland's sister, my kid's
 17 father. He's a friend. I know him. That's
 18 the relationship. I know him. He's a friend.
 19 Q. He has a child with whom?
 20 A. With my sister-in-law.
 21 Q. How did you communicate with Arlis Evans?
 22 A. I wrote him.
 23 Q. Did he write you?
 24 A. Yeah. I've been writing him off and on during
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EXHIBIT F

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11193NG

SHAWN DRUMGOLD,
Plaintiff

vs.

TIMOTHY CALLAHAN, FRANCIS M.
ROACHE, PAUL MURPHY, RICHARD WALSH,
AND THE CITY OF BOSTON,
Defendants

DEPOSITION OF OLISA GRAHAM, a witness
called by counsel for the Defendant, Richard
Walsh, taken pursuant to the applicable
provisions of the Federal Rules of Civil
Procedure, before Joann Denning, a Shorthand
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the offices
of Bonner Kiernan Trebach & Crociata, One
Liberty Square, Boston, Massachusetts,
on Wednesday, May 17, 2006, commencing
at 10:04 a.m.

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1 STIPULATIONS

2 It is hereby stipulated and agreed among
 3 counsel for the respective parties that the
 4 deponent shall read and sign the deposition
 5 transcript under the pains and penalties of
 6 perjury within 30 days of receipt and that the
 7 notarization of signature is waived.

8 It is further stipulated that all
 9 objections, except as to form of the question,
 10 and motions to strike shall be reserved until
 11 the time of trial.

12 (Exhibit No. 19, Copy of Subpoena, marked
 13 for Identification.)

14 OLISA GRAHAM, having been satisfactorily
 15 identified and duly sworn, on oath, deposes and
 16 testifies as follows:

17 DIRECT EXAMINATION BY MR. ROACHE

18 Q. Good morning, Ms. Graham. My name is John
 19 Roache. I represent the City of Boston and
 20 former Police Commissioner Francis Roache in a
 21 lawsuit that was brought by Shawn Drumgold
 22 against Timothy Callahan, former Commissioner
 23 Roache, Paul Murphy, Richard Walsh, and the
 24 City of Boston.

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1 Each of these attorneys represent one of
 2 the defendants, with the exception of
 3 Ms. Scapicchio who represents Shawn Drumgold.
 4 Do you understand the nature of the lawsuit,
 5 what it's all about?

6 A. No.

7 Q. Have you ever discussed the lawsuit that was
 8 brought in this action? Have you discussed it
 9 with anyone?

10 A. No. I spoke with someone who sent me the
 11 summons. I forgot her name. But I spoke with
 12 her and asked her what it was about. She just
 13 told me that.

14 Q. Prior to your coming to the deposition today
 15 you received a subpoena to appear here today?

16 A. Yes.

17 Q. I'm going to show you what's been marked as
 18 Exhibit No. 19 and ask if that's the subpoena
 19 that you received to appear here today, or a
 20 copy of the subpoena.

21 A. A copy of the subpoena. I have the original in
 22 my bag.

23 Q. Would you produce the original, please?

(Document handed to counsel.)

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MR. ROACHE: We can mark that as an
 exhibit.

(Exhibit No. 20, Original Subpoena with
 Cover Letter, marked for Identification.)

Q. You produced a cover letter from Bonner Kiernan
 Trebach & Crociata as well as a subpoena that
 you received. Did you receive the subpoena in
 the mail?

A. It was in my home when I got home.

Q. It was in your home?

A. Yeah. I assume they came in the mail.

Q. Do you recall when you received the subpoena?

A. A few days after I spoke with her.

Q. With whom did you speak?

A. I can't remember her name.

Q. Was it the person who sent you this letter?

A. Kate, it could have been.

Q. Did you call this law firm, Bonner Kiernan?

A. No. They contacted me.

Q. They contacted you?

A. Yes.

Q. When you received the subpoena, did you read
 it?

A. Yes.

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1 Q. Attached to the subpoena is a Schedule A
 2 requesting that you bring any documents that
 3 may be responsive to the schedule.
 4 Right.

5 Q. Did you read the Schedule A?

6 A. Yes, I did.

7 Q. Did you understand what you were required to
 8 bring with you?

9 A. Yes.

10 Q. Did you search for any documents that might be
 11 responsive to Schedule A?

12 A. I don't have any documents.

13 Q. Did you look for any documents?

14 A. I don't have any. I know I didn't have any.

15 Q. I just want to make sure for the record. We're
 16 going to go through each of the document
 17 requests.

18 MS. SCAPICCHIO: Objection. She just said
 19 she didn't have any.

20 Q. Request No. 1 asks whether or not to bring with
 21 you today any and all correspondence between
 22 yourself and Shawn Drumgold and/or
 23 representatives of Shawn Drumgold.

24 MS. SCAPICCHIO: Objection, asked and

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8

1 Q. answered,
 2 Did you ever have any documents that are
 3 responsive to that request?

4 A. As far as newspaper clippings, I did.

5 Q. Did you ever correspond with Shawn Drumgold
 6 from August of 1988 to the present?

7 A. No. I saw him when he came home.

8 Q. Did you ever write him any letters?

9 A. No.

10 Q. Did he ever write you any letters?

11 A. No.

12 Q. Did you ever speak to him on the telephone from
 13 August of 1988 to the present?

14 A. No.

15 Q. Did you ever call him on the telephone from
 16 August of 1988 to the present?

17 MS. SCAPICCHIO: Objection. She didn't
 18 speak to him. How could she call him?

19 A. No.

20 Q. Did he ever call you or attempt to call you —

MS. SCAPICCHIO: Objection, asked and

answered.

-- from August 1988 to the present?

23 Q. No.

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1 Q. Have you received any letters from any attorney
 2 on behalf of Shawn Drumgold from August 1988 to
 3 the present?

4 A. When you say from — when the case -- when I
 5 went to court.

6 Q. From 1988, the day that Tiffany Moore was
 7 killed, have you spoken to any attorneys on
 8 behalf of Shawn Drumgold who were representing
 9 Shawn Drumgold?

10 A. Rosemary.

11 Q. Rosemary. Who is Rosemary?

12 A. (Indicating).

13 Q. Ms. Scapicchio?

14 A. Yes.

15 Q. You refer to her as Rosemary?

16 A. I can't remember her last name.

17 Q. On how many occasions did you speak with
 18 Ms. Scapicchio?

19 A. When the trial -- was it two years ago, the
 20 trial? Two years ago, probably twice.

21 Q. When you mean the trial, are you referring to
 22 the time that you testified at a motion for new
 23 trial -

24 A. Yes.

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EXHIBIT F

(4)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSSHAWN DRUMGOLD,
Plaintiff

V. Case No. 04-11193NG

TIMOTHY CALLAHAN, FRANCIS
M, ROACHE, PAUL MURPHY,
RICHARD WALSH, and THE
CITY OF BOSTON,
Defendants

DEPOSITION OF VANTRELL

McPHERSON, a witness called to testify by and on behalf of the Defendants, pursuant to the applicable rules of the Federal Rules of Civil Procedure, before M. ELAINE GANSKA, a Stenographic Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Bonner Kiernan Trebach & Crociata, Attorneys at Law, One Liberty Square, Boston, Massachusetts, on Friday, March 17, 2006, commencing at 9:40 a.m.

FEDERAL COURT REPORTERS
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APPEARANCES

TOMMASSINO & TOMMASSINO
BY: MICHAEL W. REILLY, Attorney at Law
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BY: HUGH R. CURRAN, Attorney at Law
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ON BEHALF OF: Defendant WalshHOGAN, ROACHE & MALONE
BY: JOHN P. ROACHE, Attorney at Law
66 Long Wharf
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ON BEHALF OF: Defendants Roache and City
of BostonMORGAN, BROWN & JOY, LLP
BY: MARY JO HARRIS, Attorney at Law
200 State Street
Boston, Massachusetts 02109-2605
ON BEHALF OF: Defendant Callahan

Page 2

- 1 Q. Okay. And McPherson is M-A-C?
 2 A. Yeah — no, no, no, M-C.
 3 Q. M-C, okay. P-H-E-R-S-O-N?
 4 A. Yes.
 5 Q. Okay. Ms. McPherson, have you ever had your deposition taken before?
 6 A. No -
 7 Q. All right.
 8 A. — not that I know.
 10 Q. You're going to be asked a series of
 11 questions concerning the subject matter of
 12 this litigation by myself and perhaps by
 13 other attorneys --
 14 A. Mm-hmm.
 15 Q. — and we're going to ask you to answer to
 16 the best of your ability. There will be no
 17 trick questions. We're not trying to sneak
 18 up on you. We're just going to ask you
 19 simple questions. If you answer to those
 20 questions, we assume by your answering that
 21 you understand the question and are answering
 22 it truthfully.
 23 A. Mm-hmm.
 24 Q. Now in order to answer the question, as you

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Deposition of
VANTRELL MCPHERSON

Examination by Mr. Roache

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- 1 see, we have a court stenographer here --
 2 A. Yeah.
 3 Q. -- so you must verbalize your answers. In
 4 other words, you cannot shake your head or
 5 nod your head or say mm-hmm or huh-uh. You
 6 have to answer yes, no, or in word form so
 7 that the stenographer can take it down
 8 accurately.
 9 A. Okay.
 10 Q. Do you understand that?
 11 A. Yes.
 12 Q. Okay. Now since you've never had your
 13 deposition taken before, you may hear at some
 14 point one or more lawyers objecting to a
 15 question. You are to answer that question
 16 despite the objection because we have
 17 stipulated that all objections except to the
 18 form of the question will be reserved until
 19 time of trial. That's legalese for saying
 20 you do answer the question despite anyone
 21 objecting to it. Do you understand that?
 22 A. Yes.
 23 Q. Okay. Have you consumed any drugs or
 24 medication within the last 24 hours?

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1 testified at this motion for new trial that
 2 these investigators spoke with you?
 3 A. Ask me the question again?
 4 Q. How long before you testified at the motion
 5 for new trial did you speak to these
 6 investigators?
 7 A. I don't know how long it was. I don't know.
 8 Q. You don't know?
 9 A. No, I don't remember.
 10 Q. Okay. Do you remember the date you testified
 11 at the motion for new trial?
 12 A. No.
 13 Q. Do you remember your testimony at the motion
 14 for new trial? Do you remember what you
 15 testified to?
 16 A. Yes.
 17 Q. Okay. Now if I were to tell you that you
 18 testified on July 29th of 2003, does that
 19 help you remember as to when you may have
 20 spoken to some investigators?
 21 A. No.
 22 Q. It does not?
 23 A. No.
 24 Q. Okay. How many investigators were there?

1 A. It was over the phone. She was on the phone.
 2 Q. And you spoke one time?
 3 A. Mm-hmm.
 4 Q. Did you have any conversation with
 5 Ms. Scapicchio about signing an affidavit?
 6 A. That sounds familiar, yeah.
 7 Q. That sounds familiar?
 8 A. Mm-hmm.
 9 Q. Did you give either Ms. Scapicchio or any
 10 investigator any information concerning your
 11 knowledge about testifying at the original
 12 trial of Shawn Drumgold?
 13 A. Did I give the investigator?
 14 Q. Right.
 15 A. Any information?
 16 Q. Right.
 17 A. No.
 18 Q. Okay.
 19 A. The conversation wasn't about that.
 20 Q. Do you recall signing an affidavit?
 21 A. Yes.
 22 Q. Okay. Do you recall when it was that you
 23 signed --
 24 A. No.

1 A. Two.
 2 Q. Can you describe them for me?
 3 A. No.
 4 Q. Were they --
 5 A. They were white.
 6 Q. Were they white gentlemen?
 7 A. Yes.
 8 Q. Were they both gentlemen?
 9 A. Yeah.
 10 Q. Okay. Did they wear jackets and ties?
 11 A. Yes.
 12 Q. Okay. Do you recall the names of either of
 13 the gentlemen?
 14 A. No.
 15 Q. Do you recall the name of Scott Keller?
 16 A. No.
 17 Q. Do you recall the name of Thomas O'Leary?
 18 A. No.
 19 Q. Would you be able to identify these
 20 investigators if you were shown pictures of
 21 them?
 22 A. No.
 23 Q. Okay. Prior to your testifying at the motion
 24 for new trial, did you have a conversation

Page 20

Page 23

1 Q. -- the affidavit?
 2 A. No.
 3 Q. Do you recall who gave you the affidavit --
 4 A. No.
 5 Q. — to sign?
 6 A. Who requested that you signed an
 7 affidavit?
 8 A. I don't remember.
 9 Q. Was it Ms. Scapicchio?
 10 A. I don't remember.
 11 Q. Okay. Who prepared the affidavit?
 12 A. I don't know.
 13 Q. Did you prepare it?
 14 A. No.
 15 Q. Did you write it?
 16 A. The affidavit?
 17 Q. Yes.
 18 A. No. Somebody must have printed it. I didn't
 19 write nothing.
 20 Q. Okay. Did you supply anyone any information
 21 concerning the contents of the affidavit?
 22 A. Ask that question again?
 23 Q. Did you speak to anyone before you signed the
 24 affidavit about the information that was

1 with an attorney by the name of Rosemary
 2 Scapicchio?
 3 A. Yes.
 4 Q. On how many occasions did you speak to
 5 Rosemary Scapicchio before the motion for new
 6 trial?
 7 A. I spoke to her the day of the -- the day of
 8 the trial.
 9 Q. The day of the trial?
 10 A. Yes.
 11 Q. And did you speak to her at any time before
 12 that?
 13 A. I think I did when they was -- they told me I
 14 had to go to court.
 15 Q. And who told you that you had to go to court?
 16 A. She was -- I think I spoke to Ms. Rosemary
 17 about going to court --
 18 Q. Okay.
 19 A. -- and I had to testify.
 20 Q. On how many occasions did you speak with
 21 Ms. Scapicchio about going to court?
 22 A. I think it was just once.
 23 Q. Okay. Where were you when you spoke with
 24 her?

Page 21

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1 contained in the affidavit?
 2 A. No, I don't recall.
 3 Q. You don't recall?
 4 A. Hmm-mm.
 5 Q. But you do you recall signing an affidavit?
 6 A. Yes.
 7 Q. Okay. Do you recall where you were when you
 8 signed it?
 9 A. No.
 10 Q. Did you sign it at home?
 11 A. I don't remember. I don't remember.
 12 Q. Did you sign it at someone's office?
 13 A. I don't remember.
 14 Q. Okay. But you do remember signing the
 15 affidavit?
 16 A. Yeah.
 17 Q. Okay.
 18 MR. ROACHE: Mark that as the next
 19 exhibit, please.
 20 (Affidavit of Vantrell McPherson
 21 marked Deposition Exhibit Number 2
 22 for identification)
 23 Q. Ms. McPherson, I'm going to show you what has
 24 been marked as Exhibit Number 2 which is a